

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA

v.

CLIFFORD ALEXAND JENNINGS,

Defendant

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)

Case No. 7:16-CR-30026-5

**By: Michael F. Urbanski
Chief United States District Judge**

ORDER

On January 7, 2021, defendant Clifford Alexander Jennings¹ filed a pro se motion to reduce his sentence pursuant to Section 404 of the First Step Act of 2018 and also requested appointment of counsel. ECF No. 1349. The Federal Public Defender was appointed to represent him and entered an appearance on January 12, 2021. On that same day, the Federal Public Defender notified the court that because Jennings was convicted and sentenced after passage of the Fair Sentencing Act of 2010, she would not be supplementing his petition. ECF No. 1352.

The First Step Act was enacted on December 21, 2018. Section 404 of the act permits a court, upon motion of the defendant or the government, or upon its own motion, to impose a reduced sentence for certain offenses in accordance with the Fair Sentencing Act of 2010, if such a reduction was not previously granted. Offenses qualify for the reduction if they were committed before August 3, 2010 and carry the statutory penalties which were modified by

¹ For reasons which are not clear, Mr. Jennings' name appears as "Clifford Alexand Jennings" on the docket sheet. The court notes that his correct name is Clifford Alexander Jennings, but has continued with the incorrect spelling to maintain consistency with the docket sheet and record.

section 2 or 3 of the Fair Sentencing Act of 2010. First Step Act of 2018, Pub. L. No. 115-015, 132 Stat. 015 (2018).

Jennings was indicted on December 26, 2016 for conspiracy to distribute heroin, cocaine, cocaine base, and marijuana, and he was convicted of that offense on May 9, 2018. ECF Nos. 1, 1175. His offense occurred after August 3, 2010, which is when the provisions of the Fair Sentencing Act went into effect. Thus, the modifications of the relevant statutes were in effect at the time he was sentenced. Accordingly, Jennings' motion for a sentence reduction pursuant to the First Step Act is **DENIED**.

The clerk is directed to provide notice of this order to defendant, counsel for the United States, and the Federal Public Defender.

It is so **ORDERED**.

Entered: January 19, 2021



Michael F. Urbanski
Chief U.S. District Judge
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Michael F. Urbanski
Chief United States District Judge